

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

EMAD GHALLY,

Plaintiff,

v.

Case No. SA-22-CV-01119-JKP

CVS RX SERVICES, INC.,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is U.S. Magistrate Judge Elizabeth S. Chestney's Report and Recommendation (R&R) entered in the above-captioned case. *See* ECF No. 14. The parties filed no objections to the R&R and the deadline to do so has passed. Judge Chestney recommends the Court dismiss this case for failure to prosecute. After due consideration, the Court **ADOPTS** the R&R in its entirety (ECF No. 14) and **DISMISSES** this case for failure to prosecute.

In a case such as this, where no party has objected to a Magistrate Judge's Report and Recommendation, the Court need not conduct a *de novo* review. *See* 28 U.S.C. § 636(b)(1). In such cases, the Court need only review the Report and Recommendation and determine whether they are either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989). The Court reviewed the R&R and found it to be neither clearly erroneous nor contrary to law.

IT IS THEREFORE ORDERED that the Court **ACCEPTS** the Magistrate Judge's findings and recommendations and **ADOPTS** the R&R in its entirety. *See* ECF No. 14.

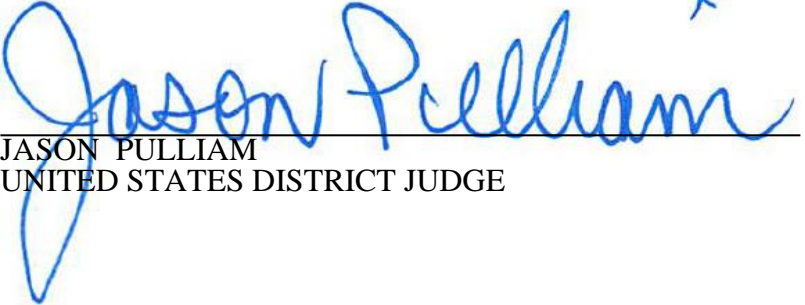
IT IS FURTHER ORDERED that the Court **DENIES** Plaintiff's counsel's Motion to Withdraw as Counsel for Plaintiff. *See* ECF No. 16. Counsel informs the Court they internally

closed this case on September 24, 2023 because the client ceased communication. Counsel offers no explanation for why they waited more than seven months later, on May 2, 2024, after Judge Chestney entered her R&R recommending dismissal of the case, to inform the Court of their client's lack of communication. Counsel further offers no evidence they informed the client of their intent to withdraw. "An attorney may withdraw from representation only upon leave of the court and a showing of good cause and reasonable notice to the client." *Matter of Wynn*, 889 F.2d 644, 646 (5th Cir. 1989). The motion is, therefore, denied.

The Clerk of Court is instructed to **CLOSE THIS CASE**.

It is so ORDERED.

SIGNED this 10th day of June, 2024.



JASON PULLIAM
UNITED STATES DISTRICT JUDGE